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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA, the )  
17 PEOPLE OF THE STATE OF )  
CALIFORNIA, *ex rel.* CALIFORNIA )  
18 AIR RESOURCES BOARD, and NORTH )  
COAST UNIFIED AIR QUALITY )  
19 MANAGEMENT DISTRICT, )  
)

20 Plaintiffs, )  
21 )  
22 v. )  
23 )  
EVERGREEN PULP, INC., )  
24 Defendant. )  
\_\_\_\_\_ )

No. C 07-05067 SBA

PLAINTIFFS' REQUEST  
TO ENTER CONSENT DECREE

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13 Attorney for Plaintiff North Coast Unified Air Quality Management District  
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1 The United States of America, on behalf of the United States Environmental Protection  
 2 Agency (“EPA”), the California Air Resources Board (“ARB”) and the North Coast Unified Air  
 3 Quality Management District (“North Coast” or “District”) (collectively, the “Plaintiffs”)  
 4 respectfully request that the Court enter the Consent Decree lodged on October 2, 2007. The  
 5 Consent Decree resolves claims in the Complaint in this action filed pursuant to Section 113 of  
 6 the Clean Air Act (the “CAA”), 42 U.S.C. § 7413, California Health and Safety Code § 42403,  
 7 and North Coast Unified Air Quality Management District Rule 105 alleging that Defendant  
 8 Evergreen Pulp, Inc. violated the CAA, California state law and District regulations at its kraft  
 9 pulp mill in Samoa, Humboldt County, California.

10 Notice of the lodging of the Consent Decree was published in the *Federal Register* on  
 11 October 12, 2007, announcing a 30-day public comment period. 72 Fed. Reg. 58125 (October  
 12 12, 2007). The Plaintiffs received two sets of comments.

13 Plaintiffs have carefully considered the comments received on the Consent Decree. None  
 14 of the comments raised issues that would cause the Plaintiffs to withdraw their consent to the  
 15 Consent Decree. Plaintiffs continue to regard the Consent Decree as fair, reasonable, and in the  
 16 public interest. Pursuant to Paragraph 72 of the proposed Consent Decree, Defendant Evergreen  
 17 Pulp, Inc. consented to entry of the Consent Decree without further notice. Therefore, for the  
 18 reasons set forth herein and in the accompanying memorandum, Plaintiffs respectfully request  
 19 that this Court approve, sign, and enter the Consent Decree.

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 21 Respectfully submitted,

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 23 For the United States of America:

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 25 /s/ Ann C. Hurley  
 26 ANN C. HURLEY  
 27 Trial Attorney  
 28 Environmental Enforcement Section  
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1 OF COUNSEL:

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6 For Plaintiff California Air Resources Board

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9 /s/ Anita E. Ruud  
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12 For Plaintiff North Coast Unified Air Quality  
13 Management District

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15 /s/ Nancy Diamond  
16 NANCY DIAMOND  
Law Offices of Nancy Diamond

17 Attestation Regarding Signature: This document is being filed electronically under my  
18 User ID and Password. Pursuant to General Order 45, Section X.B, I hereby attest that  
19 concurrence in this filing of this document has been obtained from each of the other signatories  
20 to this document.  
21

22  
23 /s/ Ann C. Hurley  
Ann C. Hurley